

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER SADOWSKI,	:	
	:	
Plaintiff,	:	
	:	23-CV-337 (VSB) (RWL)
- against -	:	
	:	<u>ORDER</u>
	:	
TRIBUNA ABIERTA, INC.,	:	
	:	
Defendant.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

Before me is the Report & Recommendation (the “Report”) of Magistrate Judge Robert H. Lehrburger recommending that I award Plaintiff statutory damages of \$7,200. (Doc. 37 (“Report”).) No party has filed an objection to the Report. For the following reasons, I ADOPT the Report in full.

The Report contains a detailed summary of the factual background and procedural history in the case, which I adopt in full. Plaintiff, a photojournalist, initiated this action on January 13, 2023, asserting a single count of copyright infringement for Defendant’s unauthorized use of Plaintiff’s copyrighted photograph. (*See* Doc. 1.) Defendant failed to respond, and on Plaintiff’s motion, (Doc. 14), on August 30, 2023, I entered a default judgment against Defendant as to liability, (Doc. 31). The same day, I issued a referral to Judge Lehrburger for a damages inquest. (Doc. 30.) Judge Lehrburger issued his Report on April 16, 2024, recommending an award of \$7,200 in statutory damages; pre-judgment interest at the rate set forth in 28 U.S.C. § 1961, starting from commencement of the action; and \$3,647.52 in attorneys’ fees and costs. (Report

18.) Plaintiff submitted proof of service of the Report on Defendant on April 19, 2024. (Doc. 38.) No party has objected to the report.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985) (citations omitted).


Although the Report explicitly provided that “[p]ursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(d) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days to file written objections to this Report & Recommendation,” and warned that “[f]ailure to file timely objections will result in a waiver of the right to object and will preclude appellate review,” (Report 18), no party filed an objection or requested additional time to do so. I have reviewed Judge Lehrburger’s thoughtful and well-reasoned Report for clear error and, after careful review, find none. I therefore ADOPT the Report and Recommendation in its entirety.

For the foregoing reasons, I ADOPT the Report in its entirety.

The Clerk of Court is respectfully directed to enter judgment in accordance with this Order and to close the case.

SO ORDERED.

Dated: February 27, 2025
New York, New York


Vernon S. Broderick
United States District Judge